

August 10, 1939

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ARIZONA ATTORNEY GENERAL

Dr. J.H. Patterson,
Secretary Board of Medical Examiners,
826 Security Building,
Phoenix, Arizona.

Dear Sir:

We have your letter of August 7th wherein you state:

"A condition has arisen at the State Hospital for the Insane, which brings a doubt to my mind as to whether it would be permissible to issue a temporary license for a new medical attendant at the State Hospital. Our law states that we may issue a temporary license to a qualified individual when an emergency exists. The question in my mind is whether an emergency exists or not, when they have qualified doctors working at the institution, and I am told, have discharged them without valid cause, and then they attempt to bring in another doctor outside of the state, while although he is qualified to become licensed, he is not licensed in this state.

"A serious question arises in the mind of the Medical Board as to whether we can legally issue a temporary license for such a man."

Section 2556, R.C.A. 1928, authorizes the Board of Medical Examiners to grant a temporary permit to practice medicine and surgery in certain instances. This section reads in part as follows:

"The board may, whenever the services of an applicant are needed as an emergency in any community, grant to a graduate of any recognized medical college, a temporary permit to practice medicine and surgery in said community, such temporary permit to be valid only until the next regular meeting of the board."

The section above quoted vests in the Medical Board the authority to determine the question of fact as to whether an emergency exists in a community which necessitates the issuance of a temporary permit to practice.

Dr. J.H. Patterson

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Therefore if the Medical Board determines as a fact that an actual emergency exists at the State Hospital for the Insane which necessitates the employment of special medical attendants at the institution the Board would be authorized under said Section 2556 to grant a temporary permit to medical attendants at the Hospital, which permit would be valid until the next regular meeting of the Medical Board.

Yours very truly

JOE CONWAY
Attorney General

EARL ANDERSON ✓
Special Assistant
Attorney General.